

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC
COUNCIL MEETING DATE: 6/14/05
COUNCIL MEETING TIME: 7:00 pm

ITEM TITLE OR DESCRIPTION:

Public Hearing to receive written and/or oral comments regarding Ordinance 2005-10, "THE 2005-06 APPROPRIATIONS ORDINANCE FOR OCONEE COUNTY" and Ordinance 2005-11, "THE 2005-06 APPROPRIATIONS ORDINANCE FOR THE SCHOOL DISTRICT OF OCONEE COUNTY", and second reading of both.

Also, second reading of related Ordinance 2005-12, "AN ORDINANCE AMENDING THE DISTRIBUTION OF THE FEE IN LIEU OF TAX RECEIVED BY OCONEE COUNTY PURSUANT TO THE JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARKS IN CONJUNCTION WITH PICKENS COUNTY DATED APRIL 21, 1998 AND AMENDED ON DECEMBER 1, 1998, ON DECEMBER 21, 1999, APRIL 4, 2000, JULY 15, 2003 AND MAY 17, 2005 AND IN CONJUNCTION WITH WILLIAMSBURG COUNTY DATED JULY 7, 1994 AND AMENDED ON DECEMBER 6, 1994; SUCH INDUSTRIAL/BUSINESS PARKS BEING GEOGRAPHICALLY LOCATED IN PICKENS COUNTY AND OCONEE COUNTY AND WILLIAMSBURG COUNTY AND OCONEE COUNTY, BOTH ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; SO AS TO PROVIDE FOR THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX WITHIN OCONEE COUNTY, INCLUDING TO THE RELEVANT TAXING ENTITIES".

BACKGROUND OR HISTORY:

The County Administrator has presented his proposed 2005-06 appropriations ordinance and the PILOT ordinance for Oconee County to Council for their review. The School District presented their proposed appropriations request to Council on May 17, 2005 for their review.

SPECIAL CONSIDERATIONS OR CONCERNS:

Second reading of these three ordinances is scheduled for tonight also and third and final reading is scheduled June 21, 2005.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Staff recommends written and/or oral comments regarding the two appropriations ordinances be received by Council, and these three ordinances be adopted on second reading.

FINANCIAL IMPACT:

The estimated total financial impact of this Ordinance 2005-10 has been included in the information previously submitted to Council.

The estimated general fund for 2005-11 (school district) is \$75,948,871. The total requested funding from local tax levy is \$49,017,217 which includes \$822,539 requested in addition to the current year maintenance of effort amount. The estimated total tax impact of this school budget Ordinance 2005-11 has been estimated to be approximately seven (7) mills (utilizing estimate of 100% collection rate). The total estimated of this Ordinance 2005-12 (PILOT) is \$166,000.

ATTACHMENTS:

Submitted or Prepared By:

Garry Freeman
Garry Freeman
Department Head

Approved for Submittal to Council:

Ron H. Rabun
Ron H. Rabun, County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ N/A _____ Other

_____ Finance

ORDINANCE NO.

AN ORDINANCE TO AMEND THE DISTRIBUTION OF THE FEE IN LIEU OF TAX RECEIVED BY OCONEE COUNTY PURSUANT TO THE JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARKS IN CONJUNCTION WITH PICKENS COUNTY, DATED APRIL 21, 1998 AND AMENDED ON DECEMBER 1, 1998, ON DECEMBER 21, 1999, APRIL 4, 2000 AND _____, 2004 AND IN CONJUNCTION WITH WILLIAMSBURG COUNTY DATED JULY 7, 1994 AND AMENDED ON DECEMBER 6, 1994; SUCH INDUSTRIAL/BUSINESS PARKS BEING GEOGRAPHICALLY LOCATED IN PICKENS COUNTY AND OCONEE COUNTY AND WILLIAMSBURG COUNTY AND OCONEE COUNTY, BOTH ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; SO AS TO PROVIDE FOR THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX WITHIN OCONEE COUNTY, INCLUDING TO THE RELEVANT TAXING ENTITIES.

WHEREAS, Oconee County, South Carolina (the "County") Pickens County and Williamsburg County, South Carolina are each authorized under Article VIII, Section 13 of the South Carolina Constitution to jointly develop an industrial or business park within the geographical boundaries of one or more of the member Counties; and

WHEREAS, by ordinance of the County dated April 21, 1998 and amended on December 1, 1998, on December 21, 1999, on April 4, 2000 and on _____, 2004 (collectively the "Pickens Park Ordinance") the County did agree to enter into and develop a joint industrial or business park with Pickens County, which park was established by the execution of a park agreement between the County and Pickens County on May 4, 1998 (the "Pickens Agreement") and amended from time to time thereafter; and

WHEREAS, by ordinance of the County dated July 7, 1994 and amended on December 6, 1998 (jointly the "Williamsburg Park Ordinance") the County did agree to enter into and develop a joint industrial or business park with Williamsburg County, which park was established by the execution of a park agreement between the County and Williamsburg County on July 25, 1994 (the "Williamsburg Agreement") and amended from time to time thereafter; and

WHEREAS, in order to promote the economic welfare of the citizens of the County by providing increased infrastructure for the economic development of the County and to provide employment and other benefits to the citizens of the County, the County desires to amend the distribution of the fees in lieu of taxes ("FILOT") paid on properties located within the County and situate within the Oconee Park and the Williamsburg Park, as previously established pursuant to the Pickens Park Ordinance and the Williamsburg Park Ordinance, and as such distribution is permitted pursuant to the terms of the Pickens Agreement, the Williamsburg Agreement and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the "Act").

NOW, THEREFORE, BE IT ORDAINED BY THE OCONEE COUNTY COUNCIL:

SECTION 1. Oconee County does hereby amend each of the Pickens Park Ordinance and the Williamsburg Park Ordinance, as has been amended from time to time, by amending Section X of each of the Pickens Park Ordinance and the Williamsburg Park Ordinance as to the properties as described in Exhibit A attached hereto as follows:

SECTION X. Oconee County hereby designates for that property tax years 2005 through 2008 the distribution of the fee in lieu of ad valorem taxes pursuant to the Agreement received by the County for Park premises shown in Exhibit A and located in Oconee County be paid ninety-nine percent (99%) to Oconee County and one percent (1%) to the Oconee County School District. Oconee County hereby designates that for property tax years subsequent to 2008 the distribution of the fee in lieu of ad valorem taxes pursuant to the Park Agreement received by Oconee County for Park premises shown in Exhibit A located in Oconee County be paid to each of the taxing entities in Oconee County which levy an ad valorem property tax in any of the areas comprising the Joint Park in the same percentage as is equal to that taxing entity's percentage of the millage rate being levied in the then current tax year for the property tax purposes, provided that the County may again, from time to time, by ordinance, amend the distribution of the fee in lieu of tax payments to all taxing entities. A portion of the fee in lieu of ad valorem taxes which Oconee County receives pursuant to the Agreement, as amended, for Park premises may be, from time to time and by ordinance of Oconee County Council or its successor, designated for the payment of Special Source Revenue Bonds issued pursuant to Sections 4-1-175 and 4-29-68 of the South Carolina Code of Laws, 1976, as amended or an Infrastructure Tax Credit issued pursuant to Section 4-1-175, as amended.

Section 2. The form, terms and provisions of this amendatory ordinance as presented to this meeting and filed with the Clerk to the County Council be and they are hereby approved.

Section 3. The Ordinance shall be effective after third and final reading and publication.

EXHIBIT A

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Submitted or Prepared By:


Garry Friedman
Department Head

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ N/A _____ Other

_____ Finance

a kindergarten curriculum, Freddie the Fireless Feline, for special needs students. The Freddie the Fireless Feline curriculum was developed by the South Carolina State Fire Marshal's Office. Ms. Powell's presentation during the site visit helped better explain the need for fire prevention in this population and why the approach to fire prevention for these children should be developed with their specific needs in mind.

It is my understanding that among the 16 states funded for fire prevention projects, South Carolina is the only state that is planning a program curriculum for special needs students. The CDC project coordinator is very impressed with your efforts. A second, official, CDC site visit is planned in November 2005 for a demonstration of the adapted curriculum. The CDC project coordinator and his supervisor will attend. As an innovative leader in fire prevention, we plan to showcase Oconee County as a model program during the November site visit.

Again, I want to thank you and your partners for your hard work and dedication to fire prevention in Oconee County. I look forward to seeing you soon. If I can assist you in any way, please do not hesitate to call.

Sincerely,



Kay Lawder
Program Coordinator
South Carolina Residential Fire Injury Prevention Program

cc: Michael Head, Deputy Fire Chief
Lou-Ann Carter, Director Division of Injury and Violence Prevention